



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

540024

Applicant's or agent's file reference P32997-PO		<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. PCT/JP2004/003038		International filing date (day/month/year) 09.03.2004	Priority date (day/month/year) 12.03.2003	
International Patent Classification (IPC) or national classification and IPC G06F1/00				
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand  29.09.2004		Date of completion of this report  09.02.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Alecu, M Telephone No. +31 70 340-2648 		

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/JP2004/003038

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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, Pages**

1-36 as originally filed

**Claims, Numbers**

1-30 as originally filed

**Drawings, Sheets**

1/20-20/20 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	2-16,18-21,23-26
	No: Claims	1,17,22,27-30
Inventive step (IS)	Yes: Claims	
	No: Claims	1-30
Industrial applicability (IA)	Yes: Claims	1-30
	No: Claims	

2. Citations and explanations (Rule 70.7):

**see separate sheet**

**Re Item V.**

The following documents are referred to in this opinion:

D1: US 2003/004888 A1 (TSUJIMOTO SHUICHI ET AL) 2 January 2003 (2003-01-02)

D2: US-B-6 389 4021 (GINTER KARL L ET AL) 14 May 2002 (2002-05-14)

1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1,17,22,27-30 is not new in the sense of Article 33(2) PCT.

1.1 The document D1 discloses a digital content distribution system comprising an information recording apparatus and an information reproducing apparatus (D1, paragraph [0005]). The distributed content is protected by a license which includes information about the allowed use of the content.

The player uses the content according to the rights granted by the license. When the license is no longer valid, the player contacts a license information update apparatus, in order to obtain a valid, updated license (D1, paragraphs [0189]-[0195]).

When the initial license permits a long-term or a permanent use of the content, the content is allowed to be used only on a specific player, identified by an ID (D1, paragraphs [0307]-[0320]).

1.1 Document D1 therefore discloses:

A right management server (the license information update unit from D1, Figure 35) connected with a user terminal (information reproduction apparatus 1011 from D1, Figure 53) via a communication network for issuing license information to the user terminal so that the user terminal obtains the license information, said license information permitting a user to use a content, said server comprising:

a first condition generation unit (the first condition generation unit is the same as the second condition generation unit and comprises blocks 501-508 from D1, Figure 35) operable to generate a first condition (the first condition is "permanent use" - D1, paragraph [0313]) based on a content use right owned by the user, said first condition being a condition for permitting the user to use the content;

a second condition generation unit (blocks 501-508 from D1, Figure 35) operable to generate a second condition (the second condition is "only in the device with this specific ID" - see D1, paragraph [0313]) that indicates a part or all of the use permitted

under the first condition and indicates whether the license information is valid or invalid based on a logical product of the first condition and said second condition;

a license generation unit (block 509 from D1, Figure 35 - updated license information encryption section) operable to generate the license information including the first condition and the second condition in response to a license obtainment request from the user terminal (see paragraph [0313] of D1 "the decoder unit ID is added to the license condition"); and

a license issuance unit (block 511 from D1, Figure 35 - updated license information output section) operable to issue the generated license information to the user terminal so that said user terminal obtains said license information .

The subject-matter of claim 17 is therefore not new in the sense of Article 33(2) PCT.

### **1.3 Document D1 also discloses:**

A user terminal (information reproduction apparatus 1011 from D1, Figure 53, where the decoder unit 1013 is the one of Figure 39 - see paragraph [0177] -, described in paragraphs [0307]-[0320]) connected with a right management server (the license information update unit from D1, Figure 35) via a communication network for obtaining license information from the right management server and using a content based on the obtained license information, said license information permitting a user to use the content, said terminal comprising:

a license obtainment requesting unit (the license obtainment requesting unit is the same as the license information returning unit - block 714 from Figure 39 - license condition change necessitating decision section) operable to request the right management server to Issue the license information (on the "YES" path in Figure 39 the license obtainment requesting unit actually requests the right management server to Issue the license information) so as to obtain said license information;

an invalidity judgment unit (block 715 -decision section- from D1, Figure 39) operable to judge whether the license information is invalid or not based on a first condition ("permanent use" - D1, paragraph [0313]) and a second condition ("only in the device with this specific ID" ) included in the obtained license information, said first condition being a condition for permitting the user to use the content based on a content use right owned by the user, said second condition indicating a part or all of the use permitted under the first condition and indicating whether the license information is valid or invalid based on a logical product of the first condition and said second condition (the use is permitted only when both conditions are satisfied);

a using unit (block 1014 - reproduction section - from Figure 53, D1) operable to provide the use of the content to the user when it is judged that the license information is not invalid; and

a license information returning unit (block 714 from Figure 39) operable to return the license information to the right management server when it is judged that the license information is invalid.

The subject-matter of claim 22 is therefore not new in the sense of Article 33(2) PCT.

2. Claim 1 is claiming a system comprising a server according to claim 17 and a user terminal according to claim 22 and, in view of the observations of paragraphs 1.2 and 1.3, is therefore also not new (Article 33(2) PCT).

It should be noted that although claim 1 has been formulated as an independent claim, since it comprises all the features of claims 17 and 22, it is dependent on these latter claims.

3. Claims 27,29 and 28,30 are corresponding or similar to claim 17, respectively claim 22 and are therefore also not new (Article 33(2) PCT), for reasons corresponding to those set out above.

4. Dependent claims 2-16,18-21,23-26 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty Article 33(2) PCT or inventive step Article 33(3) PCT, see documents D1, D2 and the corresponding passages cited in the search report.